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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 LPL FINANCIAL CORPORATION,) Case No. 08cv0038-JAH(BLM)
12 formerly known as)
13 LINSCO/PRIVATE LEDGER CORP,)
14 Plaintiff,) ORDER FOLLOWING EARLY NEUTRAL
15 v.) EVALUATION CONFERENCE, SETTING
16 FIDELITY AND DEPOSIT COMPANY OF) RULE 26 COMPLIANCE AND NOTICE
17 MARYLAND,) OF CASE MANAGEMENT CONFERENCE
18 Defendant.)
19 _____)

20 On July 7, 2008 at 1:30 p.m. the Court convened an Early
21 Neutral Evaluation Conference ("ENE") in the above-entitled action.
22 Settlement of the case could not be reached at the ENE and the Court
23 therefore discussed compliance with Rule 26 of the Federal Rules of
Civil Procedure. Based thereon, the Court issues the following
orders:

24 1. Any objections made to initial disclosure pursuant to
25 Rule 26(a)(1)(A-D) are overruled, and the parties are ordered to
26 proceed with the initial disclosure process. Any further objections
27 to initial disclosure will be resolved as required by Rule 26;
28 //

1 2. The Rule 26(f) conference shall be completed on or
2 before July 21, 2008;

3 3. A joint discovery plan shall be lodged with Magistrate
4 Judge Barbara L. Major on or before July 28, 2008;

5 4. Initial disclosures pursuant to Rule 26(a)(1)(A-D) shall
6 occur on or before August 4, 2008; and,

7 5. A Case Management Conference pursuant to Rule 16(b)
8 shall be held on August 14, 2008 at 1:30 p.m., or as soon thereafter
9 as the Court's calendar will allow, with the chambers of Magistrate
10 Judge Major. **Counsel shall appear telephonically.** The Court will
11 initiate the conference call.

12 Parties are hereby warned that failure to comply with this
13 Order may result in the imposition of sanctions. Additionally,
14 failure to respond to discovery requests or to comply with the
15 Federal Rules of Civil Procedure regarding discovery may result in
16 the imposition of sanctions including monetary sanctions,
17 evidentiary sanctions and the dismissal or default of your case.

18 **IT IS SO ORDERED.**

19 DATED: July 8, 2008



20 BARBARA L. MAJOR
21 United States Magistrate Judge
22
23

24 COPY TO:

25 HONORABLE JOHN A. HOUSTON
26 UNITED STATES DISTRICT JUDGE

27 ALL COUNSEL AND PARTIES
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